

## **REMARKS**

In an Office Action dated September 2, 2010, claims 1-25 were rejected. Herein, claims 1, 2, 3, 16, 18, 19, 22, and 23 have been amended. No new matter has been added. Additionally, claims 17, 20, 21, 24, and 25 have been cancelled without prejudice or disclaimer to the subject matter therein. Applicants respectfully request further examination and reconsideration in view of the following remarks.

Minor editorial amendments have been made to the specification and abstract. No new matter has been added.

### **I. Claim Rejections under 35 U.S.C. 101**

Claims 19-21 and 23-25 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular, the Examiner noted that claims 19-21 and 23-25 are directed to a computer program, and as such, the Examiner has taken the position that claims 19-21 and 23-25 are directed to software *per se*.

As noted above, claims 20, 21, 24, and 25 have been cancelled without prejudice or disclaimer. Applicants note that pending claim 19 and 23 have been amended so as to the recite that the computer program is stored on a non-transitory computer readable recording medium. Accordingly, Applicants respectfully submit that pending claims 19 and 23 are directed to statutory subject matter, and it is respectfully requested that the rejection of claims 19 and 23 under 35 U.S.C. 101 be withdrawn.

### **II. Claim Rejections under 35 U.S.C. 103(a)**

Claims 1-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (US 6,337,621, hereafter “Ogino”) in view of Shizu (JP 2002-300637). Applicants respectfully request reconsideration of the above-noted rejection in view of the following.

Claim 1 recites an object control device for controlling a prescribed operation of an object targeted for theft prevention, a mobile terminal device for instructing the object control device to control the prescribed operation, and that the mobile terminal device includes an

instruction transmitting unit operable to transmit, to the object control device, a warning mode instruction indicating to set a warning mode. Applicants respectfully submit that the above-noted features of claim 1 are not disclosed, suggested, or otherwise rendered obvious by any combination of Ogino and Shizu.

Applicants note that on page 4 of the Office Action, the Examiner has taken the position that FIG. 4 of Ogino teaches the instruction transmitting unit, as recited by claim 1. Applicants respectfully disagree.

In this regard, Ogino is directed to a communication system in which a user is notified of an abnormal condition occurring in a vehicle via a “Mayday” system (Abstract). In particular, Ogino discloses that when a security apparatus detects an abnormal condition occurring in a vehicle, the security apparatus notifies the Mayday unit, which obtains information regarding the vehicle and transmits the vehicle information to a response center (FIG. 4 and Col. 7, Lines 1-15). The response center then obtains a contact location number corresponding to the vehicle information, and an operator then places a call to the obtained contact location number in order to inform the user of the occurrence of the abnormal condition (FIG. 4 and Col. 7, Lines 16-28). Additionally, Applicants note that it is clear from FIG. 1 of Ogino that the contact location number corresponds to a telephone number of a business pager 16 or a portable telephone 15.

In other words, Applicants note that FIG. 4 merely illustrates a process of notifying a user of the occurrence of the abnormal condition in which a security apparatus mounted to a vehicle transmits information of the abnormal condition to a portable telephone apparatus and/or a business pager owned by the user, i.e., the abnormal condition information is sent from the security apparatus to a user possessed device. However, Ogino contains no disclosure that a mobile control device, which instructs an object control device for controlling a prescribed operation of an object targeted for theft prevention, transmits a warning mode instruction to set a warning mode to the object control device, as required by claim 1.

Shizu is directed to a lock control system in which a cellular phone can instruct a lock control apparatus to lock/unlock electronic lock apparatus based on an acquired certification

code. However, Applicants note that Shizu contains no disclosure that a mobile control device, which instructs an object control device for controlling a prescribed operation of an object targeted for theft prevention, transmits a warning mode instruction to set a warning mode to the object control device, as required by claim 1.

In contrast to Ogino and Shizu, claim 1 requires that a mobile control device, which instructs an object control device for controlling a prescribed operation of an object targeted for theft prevention, transmit a warning mode instruction to set a warning mode to the object control device.

In particular, claim 1 recites an object control device for controlling a prescribed operation of an object targeted for theft prevention, a mobile terminal device for instructing the object control device to control the prescribed operation, and that the mobile terminal device includes an instruction transmitting unit operable to transmit, to the object control device, a warning mode instruction indicating to set a warning mode.

In view of the above, Applicants respectfully submit that any combination of Ogino and Shizu fails to disclose, suggest, or otherwise render obvious the above-noted features of claim 1. Therefore, claim 1 is patentable over any combination of Ogino and Shizu.

Additionally, Applicants note that under MPEP 2143.01, a proposed modification to a primary reference cannot change the principle operation of the reference. In this regard, Applicants note that Ogino is broadly directed to a system for transmitting an abnormal condition of a vehicle to a user possessed device (e.g., a portable telephone unit or a business pager). Accordingly, Applicants note that the above-noted basic principle under which Ogino was designed to operate must be sustained if Ogino is to be used as a primary reference under 35 U.S.C. 103(a), and as such, it is respectfully submitted that the user possessed device of Ogino may not be modified to instruct an object control device to set a warning mode because it is a principle of the Ogino reference that the user possessed device must receive notification of the abnormal condition.

Applicants respectfully request that, if the rejection of claim 1 is maintained, the Examiner provide explicit indication of locations in the cited references that teach each of the limitations of claim 1. In this regard, Applicants note that it is unclear which items in the cited references correspond to the mobile terminal device and the object control device, as recited in claim 1.

Claim 2 recites a mobile terminal device for instructing an object control device to control a prescribed operation of an object targeted for theft prevention, and that the mobile terminal device includes an instruction transmitting unit operable to transmit, to the object control device, a warning mode instruction indicating to set a warning mode. Applicants respectfully submit that any combination of Ogino and Shizu fails to disclose, suggest, or otherwise render obvious the above-noted features of claim 2 for reasons similar to those discussed above with respect to claim 1. Therefore, claim 2 is patentable over any combination of Ogino and Shizu.

Claims 3-6 are patentable over any combination of Ogino and Shizu based at least on their dependency from claim 2.

Claim 7 recites an object control device for controlling a prescribed operation of an object targeted for theft prevention in response to a control instruction from a mobile terminal device, and that the object control device includes an instruction receiving unit operable to receive a warning mode instruction indicating to set a warning mode. Applicants respectfully submit that any combination of Ogino and Shizu fails to disclose, suggest, or otherwise render obvious the above-noted features of claim 7 for reasons similar to those discussed above with respect to claim 1. Therefore, claim 7 is patentable over any combination of Ogino and Shizu.

Claims 7-15 are patentable over any combination of Ogino and Shizu based at least on their dependency from claim 7.

Claim 16 recites an object control device for controlling a prescribed operation of an object targeted for theft prevention, a first mobile terminal device for transmitting a warning

instruction to the object control device, and that the first mobile terminal includes an instruction transmitting unit operable to transmit, to the object control device, a warning mode instruction indicating to set a warning mode. Applicants respectfully submit that any combination of Ogino and Shizu fails to disclose, suggest, or otherwise render obvious the above-noted features of claim 16 for reasons similar to those discussed above with respect to claim 1. Therefore, claim 16 is patentable over any combination of Ogino and Shizu.

Claims 18 and 19 recite a method for use by a mobile terminal device that instructs an object control device to control a prescribed operation of an object targeted for theft prevention and includes an electronic key storage unit, and that includes transmitting, to the object control device, a warning mode instruction indicating to set a warning mode. Applicants respectfully submit that any combination of Ogino and Shizu fails to disclose, suggest, or otherwise render obvious the above-noted features of claims 18 and 19 for reasons similar to those discussed above with respect to claim 1. Therefore, claims 18 and 19 are patentable over any combination of Ogino and Shizu.

Claims 22 and 23 recite a method used by an object control device that controls a prescribed operation of an object targeted for theft prevention in response to a control instruction from a mobile terminal device, and that includes receiving a warning mode instruction indicating to set a warning mode. Applicants respectfully submit that any combination of Ogino and Shizu fails to disclose, suggest, or otherwise render obvious the above-noted features of claims 22 and 23 for reasons similar to those discussed above with respect to claim 1. Therefore, claims 22 and 23 are patentable over any combination of Ogino and Shizu.

### **III. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-16, 18, 19, 22, and 23 are clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner believes that there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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